

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

PATRICK HATELY,

Plaintiff,

v.

Case No.: 1:16cv1143-GBL/MSN

NICOLE TORRENZANO,

Defendant.

PROPOSED RULE 26(f) JOINT DISCOVERY PLAN

Plaintiff PATRICK HATELY (“Plaintiff” or “Mr. Hately”) and Defendant NICOLE TORRENZANO (“Defendant” or “Ms. Torrenzano”), by their respective counsel, submit the following Joint Rule 26(f) Discovery Plan:

1. **Prompt Resolution.** The Defendant has offered several settlement proposals, but Plaintiff indicated that the matter is not ripe for resolution. Plaintiff remains willing to discuss resolution after completion of necessary third party discovery.
2. **Initial Disclosures.** The parties agree that, if necessary, the parties will serve their Rule 26(a)(1) Disclosures within 14 days after all Rule 12 motions are ruled upon (including any such motions filed in response to any amended complaint(s)).
3. **Written Discovery.** All written discovery and requests for admission permitted by Rules 33, 34, and 36 shall be served on or before January 4, 2017.
4. **Depositions.** All depositions shall be concluded by February 10, 2017.
5. **Limitations on Discovery.** The parties do not wish to deviate from the limitations on discovery contained in the Federal Rules of Civil Procedure and the Local Rules.

6. **Disclosure or Discovery of Electronically Stored Information.** The parties agree that disclosure or discovery of electronically stored information shall, initially, be provided in hard copy format or in PDF format on a CD or DVD. If it becomes necessary to produce ESI in native format or attempt to restore altered, deleted or partially deleted ESI, the parties will in good faith discuss the process of doing so before moving the Court to take any action.

7. **Claims of Privilege or Protection of Trial Preparation Materials.** Pursuant to Rule 26(f)(3)(D), the parties agree to abide by Rule 26(b)(5) when asserting and responding to a claim of privilege. The parties further agree that it is not necessary to include in any privilege log privileged communications between counsel of record in this litigation and the parties with whom such counsel had an attorney-client relationship at the time of the communication, provided that such communications were not disclosed to anyone outside the attorney-client relationship. The parties further agree that claims of privilege that apply to documents or information created after the date on which the Complaint was filed need not be logged. Other documents or information to which a claim of privilege applies shall be lodged within a reasonable time after any such documents or information has been identified as privileged.

8. **Subjects on Which Discovery May Be Needed.** The parties expect discovery to be required on all of the fact issues raised in their pleadings and submissions filed in this action to date.

9. **Preserving Discoverable Information.** Counsel for the parties have agreed to inform their respective clients of the obligation to preserve discoverable information during the pendency of this litigation.

10. **Expert Disclosures.** Plaintiff's expert disclosures shall be made by January 4, 2017; Defendant's expert disclosures shall be made by February 3, 2017; and Plaintiff's rebuttal disclosures shall be made by February 17, 2017.

11. **Discovery Cut-Off.** Discovery will close on March 10, 2017.

12. **Trial Before a Magistrate Judge.** The parties request trial before the District Court Judge.

13. **Electronic Service.** Pursuant to Rule 5(b)(2)(D), each party hereby consents to service of all pleadings and other documents by electronic means, including e-mail, and agree that service of such documents is complete on transmission.

14. **Modification.** Either party may apply for a modification of this discovery plan for good cause shown.

15. **Request for Cancellation of Hearing.** The parties request the Court to adopt this discovery plan. Should the Court do so, the parties request the Court to waive their appearances at the pretrial conference.

Respectfully submitted,

GREENBERGCOSTLE, PC

By: _____/S/

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